

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

FREDERICK DIXON,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-0218

MARTY ANDERSON,
Warden, FCI Beckley,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered on July 21, 2004, and filed in this case on March 14, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation. Magistrate Judge VanDervort filed his proposed findings and recommendation on January 5, 2006. In that filing, the magistrate judge recommended that this court deny plaintiff's motion for a temporary restraining order.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

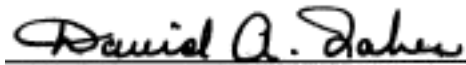
novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** the plaintiff's motion for a temporary restraining order (Doc. No. 7).

The Clerk is directed to mail a copy of this order to all counsel of record, the plaintiff, pro se, and Magistrate Judge VanDervort.

IT IS SO ORDERED this 2nd day of February, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge